

Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	File No.: EB-FIELDSCR-14-00014645
)	
Unido Para Cristo, Inc.)	NOV No.: V201432500020
Licensee of Station KIJN (AM))	
)	Facility ID: 4931
Farwell, Texas)	
)	
)	

NOTICE OF VIOLATION

Released: April 8, 2014

By the District Director, Dallas Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Unido Para Cristo, Inc., licensee of Station KIJN (AM) in Farwell, Texas. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On March 19, 2014, an agent of the Enforcement Bureau's Dallas Office inspected Station KIJN (AM) located at Farwell, Texas, and observed the following violation(s):

- a. 47 C.F.R. § 11.35(a): "EAS Participants are responsible for ensuring that EAS Encoders, EAS Decoders and Attention Signal generating and receiving equipment used as part of the EAS are installed so that the monitoring and transmitting functions are available during the times the stations and systems are in operation. Additionally, EAS Participants must determine the cause of any failure to receive the required tests or activations specified in Sections 11.61(a)(1) and (a)(2). Appropriate entries indicating reasons why any tests were not received or sent must be made in the broadcast station log as specified in Sections 73.1820 and 73.1840 of this chapter for all broadcast streams . . ." At the time of the inspection, when the station was in operation, the EAS equipment for KIJN (AM) was powered on but was not connected to any other equipment. Thus, it could neither send nor receive EAS messages,

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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and was not monitoring any EAS sources. Moreover, Station KIJN (AM) did not have any EAS logs for the last two years.

- b. 47 C.F.R. § 11.56: “Obligation to process [Common Alerting Protocol] CAP-formatted EAS messages. (a) On or by June 30, 2012 EAS participants must have deployed operational equipment that is capable of the following: (1) Acquiring EAS alert messages in accordance with the monitoring requirements in § 11.52(d)(2); (2) Converting EAS alert messages that have been formatted pursuant to the Organization for the Advancement of Structured Information Standards (OASIS) Common Alerting Protocol...” At the time of the inspection, Station KIJN (AM) did not have the required equipment to process CAP-formatted EAS messages.
- c. 47 C.F.R. § 73.49: Antenna Structures having radio frequency potential at the base ... must be enclosed within effective locked fences or other enclosures.” Individual fences need not be installed if the antenna structures are contained within a protective property fence. At the time of the inspection, Station KIJN maintained two bases fences around two antenna structures, and did not have a perimeter property fence. Neither fence was effective. Entire sections on one base fence were on the ground or completely missing, thereby allowing unrestricted access to the antenna structure base. The other base fence was missing several individual pickets, which would afford a child unrestricted access to the base.
- d. 47 C.F.R. § 73.1745(a): “No broadcast station shall operate at times, or with modes or power, other than those specified and made a part of the license, unless otherwise provided in this part.” Station KIJN (AM) is authorized for daytime operations only. On March 18, 2014, an agent of the Dallas Office monitored Station KIJN (AM) and observed that the Station continued operation at least two hours after sunset. On March 19, 2012, Station KIJM (AM)’s owner admitted that the station was transmitting all night.
- e. 47 C.F.R. § 73.1800(a): “The licensee of each station must maintain a station log as required by § 73.1820. This log shall be kept by station employees competent to do so, having actual knowledge of the facts required. All entries, whether required or not by the provisions of this part, must accurately reflect the station operation. Any employee making a log entry shall sign the log, thereby attesting to the fact that the entry, or any correction or addition made thereto, is an accurate representation of what transpired.” At the time of the inspection, the owner of Station KIJN (AM) was unable to provide the FCC agent with a station log for KIJN (AM) and admitted that no log was being maintained.
- f. 47 C.F.R. § 73.1870(b)(3): “The designation of the chief operator must be in writing with a copy of the designation posted with the station license.” At

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the time of the inspection, there was no written designation of the chief operator.

- g. 47 C.F.R. § 73.3527(e)(1): “A copy of the current FCC authorization to construct or operate the station, as well as any other documents necessary to reflect any modifications thereto or any conditions that the FCC has placed on the authorization. These materials shall be retained until replaced by a new authorization, at which time a copy of the new authorization and any related materials shall be placed in the file.” At the time of the inspection, the current station license was not available at the station.
- h. 47 C.F.R. § 73.3527(e)(4): “A copy of the most recent, complete ownership report filed with the FCC for the station, together with any subsequent statement filed with the FCC certifying that the current report is accurate, and together with all related material”. At the time of the inspection, Station KIJN (AM) did not have the most recent ownership report in its public inspection file.
- i. 47 C.F.R. § 73.3527(e)(8): “For non-exempt noncommercial educational broadcast stations, every three months a list of programs that have provided the station’s most significant treatment of community issues during the preceding three month period. The list for each calendar quarter is to be filed by the tenth day of the succeeding calendar quarter... The list shall include a brief narrative describing what issues were given significant treatment and the programming that provided this treatment. The description of the programs shall include, but shall not be limited to, the time, date, duration, and title of each program in which the issue was treated. The lists described in this paragraph shall be retained in the public inspection file until final action has been taken on the station’s next license renewal application”. At the time of the inspection, Station KIJN (AM) did not have any issues-programs listings in its public inspection file.

3. As the nation’s emergency warning system, the Emergency Alert System is critical to public safety, and we recognize the vital role that broadcasters play in ensuring its success. The Commission takes seriously any violations of the Rules implementing the EAS and expects full compliance from its licensees.

4. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Unido Para Cristo, Inc. must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for

³ 47 U.S.C. § 308(b).

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completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

5. In accordance with Section 1.16 of the Rules, we direct Unido Para Cristo, Inc. to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Unido Para Cristo, Inc. with personal knowledge of the representations provided in Unido Para Cristo, Inc's response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

6. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Dallas Office
9330 LBJ Freeway, Suite 1170
Dallas, Texas 75243

7. This Notice shall be sent to Unido Para Cristo, Inc. at its address of record.

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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8. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

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James D. Wells
District Director
Dallas District Office
South Central Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).